

1 A Yes.

2 Q Now, you've attended TBN Board meetings on a number  
3 of occasions?

4 A Yes, sir.

5 Q You've been doing that, actually, since your law  
6 firm was formed. Is that correct?

7 A By and large, yes, sir.

8 Q Why is it that you attend TBN Board meetings?

9 A I'm usually requested to come and to speak on some  
10 issue or policy relating to law.

11 Q And you've been doing that on a regular basis since  
12 1983?

13 A Yes. I haven't been out there every year, but I've  
14 -- I would certainly characterize it as being regular.

15 Q Do you attend the Board meetings of any of your  
16 other clients?

17 A On occasion, yes, sir.

18 Q But not on a regular basis like you do for TBN?

19 A Well, perhaps for some I have attended what we might  
20 say are regular. So, I guess the answer is yes, I have regu-  
21 larly attended other, other clients' Board of Directors meet-  
22 ings.

23 Q Now, when you say that you attend TBN Board  
24 meetings, are you referring just to annual meetings or do you  
25 also attend special meetings?

1           A     Both.

2           Q     In other words, you'll be notified in advance of a  
3 special meeting and you'll travel to California for the pur-  
4 pose of attending that specific meeting?

5           A     Not generally, no, but there may be instances in  
6 which I'm in California and they're having a meeting and I  
7 would, would then be asked to come to the meeting.

8           Q     Do you also attend more Board meetings via tele-  
9 phone? Is that one, one method by which you attend Board  
10 meetings?

11          A     Yes, sir.

12          Q     And you also do it in person as, as you've  
13 indicated?

14          A     Yes, sir.

15          Q     Have you ever reviewed the minutes of TBN Board  
16 meetings?

17          A     On occasion.

18          Q     On the occasions when you have reviewed the minutes  
19 of TBN Board meetings, have you done so after they have been  
20 signed or do you do so for the purpose of editing them?

21          A     Not for the purpose of editing. Usually I'm sent a  
22 copy after they have been signed. I believe there's one  
23 instance, perhaps two, in which before they were signed they  
24 were sent to me for a particular review of some aspect of it,  
25 probably related to an FCC matter. We -- I could give you an

1 example perhaps. For example, I mean, the, the Equal  
2 Employment Opportunity area or the Commission's evolving of  
3 that to focus more and more on the affirmative action area.  
4 That may be an -- that, that has been a consistent area in  
5 which I have been requested to come and to speak to their  
6 Board as it was assembled. And, so, I have a recollection  
7 that in one instance a set of minutes was sent to me in which  
8 there had been discussion about an Equal Employment  
9 Opportunity issue at the Commission, and that was sent to me,  
10 and so I reviewed it. And I believe those had not been  
11 signed.

12 Q Why is it they would send you these minutes before  
13 they were signed?

14 A Well, in the instance I've just described, I suppose  
15 to make sure that that aspect that I was responsible for was  
16 an accurate capturing of what I had discussed or what had been  
17 discussed at the meeting.

18 Q Are you sure that's the purpose, because I, I think  
19 you just said you suppose because of that --

20 A Well, I mean, I have -- in that one instance I can  
21 recall that specifically. So, I suppose the answer is yes, in  
22 that instance that was the case.

23 Q So, you are not regularly sent the minutes of Board  
24 meetings to review? Is that your testimony?

25 A That's recall.

1 Q Are you regularly sent the minutes of TBN Board  
2 meetings after they have been signed?

3 A Not as a general matter, no, sir.

4 Q I --

5 A The -- I'm trying to be respon-- I mean, in the --  
6 they have sent me copies after the fact, but not routinely. I  
7 mean, I don't always get them.

8 Q That, that's what I'm asking.

9 A Okay.

10 Q On the occasions when you have been sent minutes  
11 that have already been signed, not for your editing but just  
12 for your, your information, I suppose, do you know why those  
13 particular minutes were sent to you?

14 A Other than the one instance I've described about  
15 EEO, I can't recall other than just, I suppose, informational,  
16 here's a set of minutes.

17 Q Are you familiar with TBN's Praise the Lord  
18 Newsletter? It's a monthly newsletter.

19 A Yes, sir.

20 Q Have you ever received a copy of Praise the Lord  
21 Newsletter for your own information?

22 A Yes, sir.

23 Q Do you receive the Praise the Lord Newsletters on a  
24 regular basis?

25 A No, sir.

1           Q     On the occasions when you have received Praise the  
2 Lord Newsletter, have you received that newsletter for the  
3 purpose of editing any information in it or was it merely for  
4 your information after it's gone for -- gone to press and  
5 you're receiving a, a copy, as would all over people who were  
6 receiving the copies in due course?

7           A     Both.

8           Q     So, there have been occasions when you edited?

9           A     Yes, some section of it or an article in it was sent  
10 to me for review before it went to publication.

11          Q     By any chance, would you remember when that was?

12          A     I can remember the subject. I can't know the -- I  
13 don't know that I can tell you when. There was an issue that  
14 had come out of litigation involving a contract dispute on the  
15 purchase by a Trinity company, Trinity Broadcasting of New  
16 York. It bought a facility in Poughkeepsie, New York. And in  
17 that contract dispute, there were -- there was an instance in  
18 which Dr. Crouch had written an article and it had talked  
19 about the litigation in New York, and he wanted to make sure  
20 that it was okay, the things that he had said, and so he sent  
21 it to me in advance.

22          Q     With respect to the -- now, was this litigation  
23 leading up to Trinity's purchase of the Poughkeepsie station  
24 or --

25          A     It, it, it was subsequent to the purchase of the

1 facility, and then there was a claim later on that certain  
2 portions of the contract hadn't been performed. So, it, it's  
3 the same contract, but it was subsequent to the time that it  
4 was actually negotiated.

5 Q Would it have been your practice to review all  
6 newsletters -- all Praise the Lord Newsletters which included  
7 any reference to the Poughkeepsie station?

8 A No, sir.

9 Q Mr. May, I just want to return to the matter of  
10 reviewing minutes of, of Trinity's Board meetings. Did you  
11 ever receive the minutes of, of Board meetings of any other  
12 TBN-related companies?

13 A Yes.

14 Q Which companies, if you recall?

15 A Trinity Broadcasting of Arizona, Trinity  
16 Broadcasting of Washington.

17 Q Is, is that it or is that representative of the, the  
18 companies?

19 A I mean, I ha-- I recall those. There may have been  
20 others. I just don't recall them right at this moment.

21 Q Is it your testimony that you received the minutes  
22 of the Board meetings to those companies on a regular basis or  
23 on a sporadic basis?

24 A On a sporadic basis.

25 Q So, similar to the basis on which you received the

1 TBN minutes?

2 A Yes.

3 Q Did you ever receive the minutes of any NMTV Board  
4 meetings?

5 A Yes.

6 Q Was that on a regular basis or a sporadic basis?

7 A Sporadic.

8 Q And why is it that you would have received copies of  
9 the Board -- of the minutes of the NMTV Board meetings?

10 A The -- a specific instance I can recall, I had been  
11 asked some advice about what, what was then put into the min-  
12 ute, and in that sense they then sent me a copy of the minute.

13 Q Do you recall what that advice was?

14 A Yes, sir. It was in the context of NMTV using  
15 Trinity as an accounting agent to perform various services on  
16 behalf of National Minority.

17 Q So, in that instance you received the minutes before  
18 the minutes were signed?

19 A No, sir. I think it was shortly after.

20 Q Was one of the purposes that you received the min-  
21 utes from TBN for the purpose of keeping you up-to-date on who  
22 the Officers and Directors of the company were?

23 A The information is there, but I don't recall that  
24 that's one of the reasons things were sent to me.

25 Q Did you keep up-to-date on who the Officers and

1 Directors were of TBN?

2 A I, I tried to, yes.

3 Q And how, how did you do that? How were you able to  
4 accomplish that?

5 A That was usually reported to me in a phone conver-  
6 sation by Mrs., Mrs. Duff, for example.

7 Q Did you also keep up-to-date on who the owners --  
8 strike that. Did you also, did you also keep up-to-date on  
9 who the Officers and Directors were of NMTV?

10 A Yes, sir.

11 Q As well as Translator TV, Inc.?

12 A I, I suppose, yes, sir.

13 Q Now, I'm not asking you whether you can recall who  
14 on such-and-such date belonged to which organization. I, I'm  
15 just asking you whether you kept up-to-date and you could  
16 refer to something in your possession if you wanted to know  
17 who, who an Officer and Director was?

18 A That's the way I did it. If I wanted to know, I  
19 would usually refer to my files as to that client or that  
20 company.

21 Q And your files regarding the TBN and TBN-affiliated  
22 companies and NMTV and TTI were always kept up-to-date?

23 A We tried. I mean, I can't tell you they were always  
24 kept up-to-date.

25 Q Mr. May, do you take steps to stay current on the



1 latest developments in Communications law?

2 A Yes, sir.

3 Q How do you do that?

4 A I get a copy of the Daily Releases that are put out  
5 by the Commission.

6 Q The Daily Digest?

7 A The Digest and the actual documents themselves  
8 referred to in the Digest.

9 Q So, you subscribe to that, that service?

10 A Yes.

11 Q And do you receive those documents on the day that  
12 they're released?

13 A Normally, yes, sir.

14 Q And do you review those documents on the day that  
15 they are released?

16 A No, sir.

17 Q Too much for --

18 A Yeah.

19 Q Sometimes there might be a, a day lag before you can  
20 get to them?

21 A Sometimes there could be several days lag, or even,  
22 in some instances, a week or more.

23 Q Would you say, though, that you attempt to review  
24 them on a daily basis on the day that they are released?

25 A Generally, yes.

1 Q And, and you're successful at that, generally?

2 A By and large, yes, sir, I believe so.

3 Q Now, in terms of the FCC Releases and the Daily  
4 Digest, that includes news releases and texts of decisions,  
5 texts of reports and orders and Rulemakings, notices of inqui-  
6 ry. Does -- are those the type of documents that you're,  
7 you're talking about that you subscribe to?

8 A Yes, they're the kind we subscribe to. The kind I  
9 normally try to just review, however, are the Notices of  
10 Application Acceptance and Action on Applications. Those  
11 report and orders that deal with things that I don't really  
12 have clients who have applications or issues at the Agency  
13 dealing with those, I usually don't bother reading those. If  
14 it's something that I think does involve a client, then I'll  
15 make sure I try to read it.

16 Q On the day it comes out?

17 A Well, as I say, within a week or so.

18 Q Do you subscribe to Communications trade  
19 publications?

20 A Broadcasting Magazine.

21 Q That's a weekly publication?

22 A Yes, sir.

23 Q Communications Daily?

24 A No, sir.

25 Q Now, have you been receiving the Daily Digest and

1 the related Releases since your law firm was formed?

2 A There was a time when we first opened that we did  
3 not because we were in the scramble of getting organized. So,  
4 prob-- I, I believe we actually got on the subscription line  
5 and got the daily deliveries in June of the year we opened,  
6 June of '83, middle part of June, June 10, that, that area,  
7 generally.

8 Q And your law firm was formed in May of 1983?

9 A Yes, sir.

10 Q So, there was approximately several weeks?

11 A There were several -- I left the Gammon and Grange  
12 Law Offices where I had been before I started the May, Dunne,  
13 and Gay Offices in May, that there -- about the second week of  
14 May or so I left there, and then for the next several weeks  
15 was in the process of getting my new offices open. Was -- so,  
16 I was not then actually trying to be engaged in the practice.  
17 I was trying to hang wallpaper and paint walls, et cetera.

18 Q Now, in the course of your, your regular relation-  
19 ship with TBN, your representation of TBN, was it your prac-  
20 tice to contact TBN soon after the FCC released the text of an  
21 order or information about a development that would affect  
22 TBN, TBN's business?

23 A I can't say that it was regular or routine. We did  
24 it and did it often, but not all the time.

25 Q Well, if it were a late-breaking event, something

1 that directly affected TBN's business, would it have been your  
2 practice to contact someone at TBN immediately?

3 A As soon as I heard about it I'd try to communicate  
4 it. That's --

5 Q Did you do that by telephone?

6 A Yes.

7 Q Would you also fax the -- fax TBN a copy of the  
8 order or, or mail it to them?

9 A I, I've represented them for, you know, quite a  
10 number of years, 10 or more years, just -- well, not quite 10,  
11 but, again -- well, actually, I guess a little more than 10  
12 years, not being at Gammon and Grange. I don't think all that  
13 time we had fax machines. But, I mean, telephone certainly,  
14 and since we've had fax machines, if there had been something  
15 that I thought was important to fax to them, I would have done  
16 that.

17 Q Since your law firm was formed, has there been any  
18 particular contact person or point person at TBN with whom you  
19 would have shared these late-breaking FCC developments?

20 A Yes.

21 Q Who is that?

22 A It would have been Dr. Crouch. It has been Terrence  
23 Hickey. It has been Phil Crouch, Mrs. Duff.

24 Q So, it's varied through the years or the four of  
25 those individuals have been your point people consistently?

1           A     It -- I mean, that group of people has been -- not  
2 at all times have that -- has all of those people been at the  
3 Trinity head-- Network Headquarters, so they wouldn't have  
4 been there for me to communicate with. But through the years,  
5 those are the field of people that I have communicated with  
6 regularly about important items.

7           Q     Items that affect TBN?

8           A     Yes.

9           Q     Was Jane Duff on your list?

10          A     Yes.

11          Q     And have there been people with whom you considered  
12 contact persons of TTI, Translator TV, Inc., which subsequent-  
13 ly became known as NMTV?

14          A     Yes, sir.

15          Q     And who have those persons been or who has that  
16 person been through the years?

17          A     It's been Mrs. Jane Duff.

18          Q     No one else?

19          A     On occasion, Dr. Crouch.

20          Q     With regard to FCC developments, the type of devel-  
21 opment that you would contact these individuals at TBN or, or  
22 persons at NMTV or TTI, with respect to those type of develop-  
23 ments, have you ever contacted or did you ever contact  
24 Reverend Espinoza about FCC developments?

25          A     No, sir.

1 Q Did you ever contact Reverend Aguilar about FCC  
2 developments?

3 A Well, I was in communication with Reverend Aguilar  
4 in the matter of the Wilmington challenge that had been filed.  
5 I suppose to that extent that that's a development.

6 Q Well, I'm talking about developments -- the type of  
7 developments that you would find in the Daily Digest and the  
8 FCC Releases, Rulemakings, Notices of Inquiry --

9 A No, sir.

10 Q -- things of that matter that would affect the  
11 company's business.

12 A No, sir.

13 Q Reverend Hill, would you have contacted Reverend  
14 Hill about FCC developments, the type of developments I've  
15 just described?

16 A Not as a routine, but I have sent Dr. Hill some  
17 material involving new issues or breaking items at the FCC.

18 Q Can you give me an example?

19 A Dr. Hill has been interested in the low-power tele-  
20 vision tra-- television translator area in some context for  
21 his church as well as for National Minority, and so I have  
22 sent him material directly.

23 Q And there have -- do you recall when you began  
24 sending Reverend Hill this information?

25 A It was sometime after he became a Director of

1 National Minority and I actually was introduced to him and met  
2 him.

3 Q Is that one example of when you contacted Reverend  
4 Hill about FCC development or is that the only time you con-  
5 tacted Reverend Hill about an FCC development?

6 A It's the only area I've communicated with him about  
7 on developmental items. I have had communications with Dr.  
8 Hill about this proceeding, if you will, at the FCC. But, but  
9 that area involving television translators and low-powers has  
10 been the area that I have communicated with him, but I do  
11 believe it's been on more than one occasion.

12 Q Do you recall Reverend Hill ever inquiring of you  
13 about the opportunity for a, a broadcast station in Los  
14 Angeles?

15 A Yes, sir.

16 Q Can you explain to me what that was all about?

17 A Dr. Hill has a, a church in the greater Los Angeles  
18 area and he has been interested in seeing if there is not a  
19 facility that his church can acquire, and so I've sent him  
20 information about facilities that are in or around the area or  
21 possible allocation of frequency information that he might be  
22 able to then file for.

23 Q You're distinguishing his church, Reverend Hill's  
24 church, from NMTV?

25 A The informa-- he's asked for it in that context, so

1 that's in the sense in which I've communicated it to him.

2 Q You mean in the context of his church?

3 A Yes.

4 Q So, his inquiry would not have been on behalf of or  
5 related to NMTV?

6 A I can't say that. I mean, he may have decided that  
7 he could, he could do this or was going to prevail upon the  
8 Board to do it in the context of National Minority. I just  
9 don't know.

10 Q In, in Reverend Hill's capacity as a Director of  
11 NMTV, have you ever contacted Reverend Hill about FCC  
12 developments?

13 A Other than what I've just described to you, no.

14 Q All right. I, I just want to make sure the record  
15 is clear, Mr. May. What you've described to me is an instance  
16 where you sent Reverend Hill information about low-power  
17 relating to his church. Have you ever sent him information  
18 relating to FCC developments in his capacity as a Director of  
19 NMTV about a matter that would affect NMTV's business, not  
20 Reverend Hill's own personal business or, or his own church-  
21 related business?

22 A Well, I sent the material to him and addressed it to  
23 Dr. Hill as a Director of National Minority. So, I don't know  
24 that I really have a distinction between the two. I mean, he,  
25 he has a church. He has an interest in the church. He is a



1 Director of NMTV. I have sent him the information. And,  
2 again, I don't know whether he intends that information to be  
3 used solely for his church or whether or not he intends to use  
4 it for National Minority.

5 Q Did you in any way occur -- incur any duplicating of  
6 postage expenses that you would have billed to someone with  
7 respect to sending him this information?

8 A I believe so, yes.

9 Q Who, who did you -- who would you have billed it --  
10 who did you bill?

11 A National Minority.

12 Q And the same thing, thing for Mr. Ramirez. Have you  
13 ever contacted Mr. Ramirez about any FCC developments?

14 A Other than, again, this Miami proceeding, no, sir, I  
15 don't believe so.

16 Q Now, when you were at Gammon and Grange, Gammon and  
17 Grange represented TBN?

18 A Yes, sir.

19 Q When you joined Gammon and Grange, that law firm  
20 already represented TBN?

21 A Yes, sir.

22 Q Do you know if Gammon and Grange had any role in  
23 preparing -- drafting or preparing Translator TV, Inc.'s  
24 Articles or By-Laws?

25 A I believe they had, but I don't know what it is.

1 And the reason I say believe is because I've seen correspon-  
2 dence and documents that had gone back and forth at -- in that  
3 early '80 time-frame.

4 Q That work had already been done, if it was done at  
5 all, before you joined the firm?

6 A I think I was at the firm, but I just wasn't in-  
7 volved in that, that project.

8 Q So, when you joined Gammon and Grange, you initially  
9 did not work on TBN matters, or, or did you?

10 A I did work on TBN matters. I just did not during  
11 the September 1980 time-frame that Television Translator was  
12 formed. Would -- I wasn't involved in that process.

13 Q Do you know if Gammon and Grange prepared and filed  
14 Translator TV, Inc.'s low-power applications in 1980?

15 A Yes, sir. I believe they did.

16 Q Did you have any role in preparing or filing those  
17 applications?

18 A Not initially. I believe that some of them were  
19 amended and I did look over the material and just get it  
20 translated to the Commission. In other words, I put a trans-  
21 mittal letter on it and said here's an amendment to this  
22 application.

23 Q Did your involvement in servicing Gammon and  
24 Grange's TBN account, did, did your involvement increase any  
25 during, during your, during your time you were at Gammon and

1 Grange?

2 A Yes. There was a -- yes, because Trinity  
3 Broadcasting had filed a Rulemaking to change the allocation  
4 of its Channel 40 from Fontana, California, into Santa Anna,  
5 California, and that matter had drawn a competing application  
6 and there was a competitive proceeding. And I was becoming  
7 involved in that and becoming more responsible for that pur--  
8 for that proceeding at the Commission, and that was happening  
9 at about this time, it seems to me. It was '80 through '81  
10 and '82.

11 Q Now, when exactly did you leave Gammon and Grange?

12 A In May of '8-- 1983.

13 Q And you said that was about the second week in May?

14 A Yes, sir. I believe -- that's right. I believe I  
15 was there for about the first week and a half or two weeks of  
16 the month of May.

17 Q And then after that you were in a period of transi-  
18 tion doing your wallpapering and moving files?

19 A Finishing negotiating on the lease and then getting  
20 prepared to open offices. There was a lot to be done. You  
21 had to get a telephone, tried to line up office equipment and  
22 all of those things that are involved in the process.

23 Q Now, how soon afterward, that is, after you left  
24 Gammon and Grange, Gammon and Grange did your law firm actual-  
25 ly commence business?

1           A     It would have been two or three weeks.

2           Q     So, we're talking late May or early June?

3           A     It -- early June. We -- our lease actually began  
4 June 1st, and so we were allowed to get in there a little  
5 early to, to do the painting and wallpapering, but we weren't  
6 really quite ready as of June 1.

7           Q     And during that period, that interim period of time  
8 that you were setting up shop, you were not practicing law?  
9 Is that essentially what you're, you're saying?

10          A     Well, I didn't have any offices to work out of, but,  
11 I mean, I was, I was still a lawyer.

12          Q     Mr. May, can we turn to Volume 1 of the Bureau's  
13 exhibits? Exhibit 59. And just for a frame of reference,  
14 that's, that's the purpose I'd like you to look at this. This  
15 is a -- well, you tell me what it is, if you don't mind?

16          A     This is a advance statement that I drew up as of May  
17 23, 1983, and sent to Dr. Crouch, and it represented a three-  
18 months retainer arrangement that I had negotiated with Dr.  
19 Crouch that he would pay in advance.

20          Q     So, you were representing -- well -- strike that.  
21 Would, would this statement indicate a commencement that, that  
22 your law firm -- strike that.

23                    Would this, would this statement represent the  
24 commencement of your representation of TBN?

25          A     I think it was our offer to begin the

1 representation. I don't think it would have actually begun  
2 until we probably got paid. That's the way I usually try to  
3 review it. I mean, I'll send out a retainer or proposal, and  
4 when a client will send the money back I'll begin, and that's  
5 when I formally believe the engagement has commenced.

6 Q And that would have commenced, you believe, in early  
7 June 1983? I know that's when you started business, but you,  
8 you just testified that it would have commenced when you  
9 received the payment.

10 A That's my general rule. I guess I don't really  
11 specifically recall in this instance, but that's my general --  
12 the general way in which I do that.

13 Q Was there any doubt in your mind that you were going  
14 to, you were going to receive this money?

15 A No, sir. I had talked to Dr. Crouch about it.

16 Q While you were at Gammon and Grange?

17 A Yes, sir. Yes.

18 Q And you arranged with, with Reverend Crouch that you  
19 were, you were going to set up your own law practice and that  
20 you would like him to follow you there?

21 A Words to that effect, yes, sir.

22 Q Mr. May, would you look at your Direct Testimony,  
23 Exhibit 10-- Trinity Exhibit 105 at page 9, page 9, paragraph  
24 15? And you're referencing, several lines down, the Second  
25 Report and Order, Docket No. 81-763. Do you see that?

1 A Yes, sir.

2 Q And it indicates a release date of May 27, 1983.

3 Now, that's during the period that you're attempting to set up  
4 your own law firm, correct?

5 A Yes, sir.

6 Q Do you recall sending -- do you recall receiving the  
7 Second Report and Order on the date it was released?

8 A No, sir.

9 Q Do you recall having any communications with anyone  
10 at TBN regarding the Second Report and Order on or about May  
11 27, 1983?

12 A No, sir.

13 Q Now, there did, there did come a time, did there  
14 not, when you reviewed the Second Report and Order that you're  
15 referring to here?

16 A Yes, sir.

17 Q Do you recall how soon after May 27, 1983, that you  
18 came to review that document?

19 A No, sir.

20 Q No recollection whatsoever?

21 A No, sir. And that was sometime prior to my giving  
22 them advice, but I don't recall when exactly that was.

23 Q Do you recall a Daily Digest describing this  
24 document, that is, the Second Report and Order?

25 A No, sir.

1 Q Any press release or public notice describing the  
2 Second Report and Order?

3 A No, sir.

4 Q Was the Second Report and Order important to TBN's  
5 business?

6 A Yes, sir.

7 Q Do you recall communicating with anyone at TBN about  
8 the Second Report and Order?

9 A I, I communicated with Mrs. Duff and I believe also  
10 Dr. Crouch.

11 Q Do you recall when that was, even approximately?

12 A It, it would have been sometime now within the month  
13 or so before the filing of ownership certification or -- or  
14 before certifications were filed for some of the Television  
15 Translator applications at the FCC. This was the procedure in  
16 which the whole minority certification could be made, and so  
17 it would have been sometime prior to their having submitted  
18 those certifications to the Commission, which I think was in  
19 February of '84.

20 Q So, that document would have been the basis upon  
21 which you advised them to certify that they were entitled to a  
22 minority preference?

23 A Yes, sir. That document and the public notice which  
24 set out the new edition of the form in which the certification  
25 was provided for, and it had instructions as to how to

1 complete the form.

2 Q And you think that advice, the advices you gave Mrs.  
3 Duff and Reverend Crouch out the Report and Order was several  
4 months before the certifications were filed?

5 A It -- to the best of my recollection, or it could  
6 have been a couple of months or so before the certifications  
7 were filed.

8 Q Now, the certifications, you know, were filed in  
9 February 1984?

10 A Yes, sir.

11 Q So, several months before that would have brought us  
12 back to when?

13 A It, it could have been -- you know, in the -- I  
14 mean, it could have been August of 1983, for that matter. I  
15 underst-- I don't really specifically recall. It could have  
16 been December of, of '83. It could have been January of '84.  
17 I just honestly don't recall.

18 Q All right. Since we're on that subject of minority  
19 preferences, let's, let's talk a few moments about that. What  
20 is it that -- what is it exactly, to the best of your recol-  
21 lection, that you recall advising Mrs. Duff and/or Reverend  
22 Crouch about minority preferences?

23 A For Television Translator applications?

24 Q Correct.

25 A That the Commission had issued the lottery



1 | procedures under which it would now decide among various  
2 | competing applicants who would get the authorization. And in  
3 | that process, it had determined that minority ownership was a  
4 | factor it would consider. And in order to be entitled to  
5 | receive that certification or that minority factor, you had to  
6 | meet certain qualifications. And the Report and Order -- or  
7 | the, the Second Report and Order described that as to who  
8 | qualified for it and it stated that it was based on the basis  
9 | of the composition of the Board of Directors. And at that  
10 | time, Television Translator had two of three Directors who  
11 | were minorities. And then when the Commission sent out its  
12 | August 1983 public notice with the new minority certification  
13 | materials and described who could certify, it indicated, as  
14 | had the re-- had the Second Report and Order, that if you had  
15 | a majority of Directors who were minorities in a nonprofit  
16 | corporation, you could certify the minority preference. And  
17 | that's the basis upon which I rendered my advice.

18 |       Q     That's the sole basis on which you rendered your,  
19 | your advice?

20 |       A     Yes, sir. These were brand new procedures just  
21 | enunciated in the Second Report, and then followed up in the  
22 | August '80-- in the August 1983 Public Notice on the form  
23 | itself.

24 |       Q     So, I want to make sure that I understand what  
25 | advice you actually gave them. Your advice was based purely